

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

ALLEN J. PENDERGRASS.

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CRIMINAL ACTION NO.
1:17-CR-0224-AT

ORDER

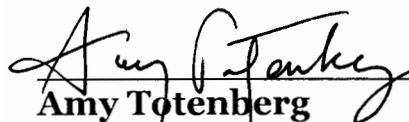
Presently before the Court is the Magistrate Judge's Non-Final Report and Recommendation ("R&R") [Doc. 38] recommending that this Court deny Defendant Allen J. Pendergrass' motion to dismiss based on double jeopardy.

A district judge has broad discretion to accept, reject, or modify a magistrate judge's proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 680 (1980). The Court notes that no objections have been filed in response to the Magistrate Judge's Report and Recommendation. Therefore, in accordance with 28 U.S.C. § 636(b)(1) and Rule 59 of the Federal Rules of Criminal Procedure, the Court has reviewed the Magistrate Judge's Recommendation for clear error and finds none. Accordingly, the Court receives the Magistrate Judge's Report and Recommendation with approval and hereby **ADOPTS** the Report and Recommendation as the opinion of this Court. For the reasons stated in the Magistrate Judge's Report and Recommendation, the Court

DENIES Defendant Pendergrass' motion to dismiss the indictment based on double jeopardy [Docs. 27, 36].

Defendant has indicated to the Magistrate Judge that his pending preliminary motion for a Jackson-Denno hearing is now moot. Accordingly, that motion is hereby **DENIED AS MOOT** [Doc. 25].

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IT IS SO ORDERED this day of February, 2018.
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Amy Totenberg
United States District Judge